

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN HAMAN,

Defendant.

8:15CR62

**ORDER ON APPEARANCE FOR
SUPERVISED RELEASE VIOLATION**

The defendant appeared before the Court on May 11, 2021 regarding Third Amended Petition for Offender Under Supervision [82]. Karen Shanahan represented the defendant. Kimberly Bunjer represented the government. The defendant was advised of the alleged violation(s) of supervised release, right to retain or appointment of counsel, and any right to a preliminary hearing in accordance with Federal Rule of Criminal Procedure 32.1(a)(3).

The government made an oral motion to dismiss Amended Petition for Offender Under Supervision [66], and Second Amended Petition for Offender Under Supervision [80]. The government's oral motion to dismiss Amended Petition for Offender Under Supervision [66], and Second Amended Petition for Offender Under Supervision [80] is granted without objection.

The defendant freely, knowingly, intelligently, and voluntarily waived the right to a preliminary hearing. Fed. R. Crim. P. 32.1(b)(1)(A). The Court finds probable cause as alleged in the petition to believe the defendant violated the terms of supervised release and the defendant should be held to answer for a final dispositional hearing. Fed. R. Crim. P. 32.1(b)(1)(C). The defendant shall appear personally for a final dispositional hearing before U.S. District Judge Robert F. Rossiter, Jr. in Courtroom No. 4, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at 11:30 a.m. on June 23, 2021.

The government moved for detention based upon flight, and danger. The defendant freely, knowingly, intelligently, and voluntarily waived the right to a detention hearing. The court finds that the defendant failed to meet his/her burden to establish by clear and convincing evidence that he/she will not flee or pose a danger to any other person or to the community. Fed. R. Crim. P. 32.1(a)(6); 18 U.S.C. § 3143(a)(1). The government's motion

for detention is granted as to flight and danger, and the defendant shall be detained until further order of the Court.

The defendant shall be committed to the custody of the Attorney General or designated representative for confinement in a correctional facility and shall be afforded a reasonable opportunity for private consultation with defense counsel. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for an appearance in connection with a court proceeding.

IT IS SO ORDERED.

Dated this 11th day of May, 2021.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge